

REMARKS

This response is intended as a full and complete response to the above referenced Office Action. Claims 1-19 are pending, where claims 1 and 15-18 stand initially rejected under 35 U.S.C. § 102(e) as being anticipated by *Hailey*, claims 2-14 stand objected to, as being allowable if rewritten in independent form, and new independent claim 19 is added. Claims 1-18 as presented are discussed below and claim 19 incorporates the recited allowable subject matter from claims 1 and 2.

Claims 1 and 15-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Hailey* (US 2003/0000700 A1). The Examiner states that *Hailey* includes a base pipe (62) with apertures (66), a screen (84), a channel (Figures 3-5 between ribs 70), a port (144), and the method of claim 16 (claim 27). The Examiner also states elements from the dependent claims are also taught.

The rejection is respectfully traversed. Claim 1 of the present invention requires a channel to be disposed *within* a screen, where the screen is substantially permeable to fluids and impermeable to sand. The "channel" identified by the Examiner in *Hailey* in Figures 3-5 is the annulus radially between the base pipe 62 and the screen wire 84 wrapped around the base pipe, and circumferentially between ribs 70. For this rejection to be true against claim 1 of the present invention, the base pipe 60 with apertures 66 would have to be a screen, among other aspects.

The base pipe is not a screen. The base pipe is not *permeable* to fluid, in contrast to the screen, as specifically stated in the present specification, recited in the claims, and understood by those in the art. Further, both *Hailey* and the present invention distinguish a screen from a base pipe based on the exemplary sizes of apertures. For example, in the present invention, the base

Atty. Dkt. No. 020569-06200
(P802-1269-US)


pipe 12 has apertures that would not restrict sand. (Page 8, lines 1-6.) *Hailey* even states that the "exact number, size and shape of openings 66 [of the base pipe 60] are not critical to the present invention." (Page 3, paragraph 0032.) In stark contrast, the screen is specifically sized to be "substantially permeable to fluids and impermeable to sand." (Application, page 4.) The base pipe and screen wire of *Hailey* are not to be confused with the screen of the present invention, where a channel lies *within* the screen.

Thus, *Hailey* teaches away from the base pipe being a screen, which would be required for the "channel" to lie within the screen. Claim 1 requires the channel to be within the screen. *Hailey* does not teach, show, or suggest such a channel. The Examiner is respectfully requested to withdraw the rejection.

In conclusion, the reference cited by the Examiner does not teach, show, or suggest the present invention. Therefore, it is believed that the rejection made by the Examiner has been obviated, and Applicant respectfully requests that the same be withdrawn. Allowance of the claims is requested.

Respectfully submitted,

Date: 2/10, 2004


D. Brit Nelson
Registration No. 40,370
LOCKE LIDDELL & SAPP LLP
600 Travis Street
Suite 3400
Houston, Texas 77002-3095
713-226-1361
713-223-3717 (Fax)
Attorneys for Applicant